

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<b>IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION</b>	:	:	<b>2:12-md-02311</b>
	:	:	<b>Honorable Marianne O. Battani</b>
	:	:	
<b>IN RE: FUEL INJECTION SYSTEMS</b>	:	:	
	:	:	<b>Case No. 2:13-cv-02201-MOB-MKM</b>
	:	:	<b>Case No. 2:15-cv-13423-MOB-MKM</b>
<b>THIS DOCUMENT RELATES TO: DIRECT PURCHASER ACTIONS</b>	:	:	

**ORDER GRANTING PRELIMINARY APPROVAL OF THE  
AMENDED SETTLEMENT WITH DEFENDANT HIAMS AND PROVISIONAL  
CERTIFICATION OF DIRECT PURCHASER SETTLEMENT CLASS**

WHEREAS, Direct Purchaser Plaintiff Irving Levine Automotive Distributors, Inc. (“Irving Levine”) is prosecuting Case No. 2:13-cv-02201, Case No. 2:15-cv-13423 (the “Action”), within *In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311 (E.D. Mich.), both individually and on behalf of a class of direct purchasers of Fuel Injection Systems (“Settlement Class”) against Hitachi Automotive System, Ltd (“HIAMS”) and certain of its affiliates; and

WHEREAS, Irving Levine and HIAMS, on behalf of itself, Hitachi, Ltd. and Hitachi Automotive Systems Americas, Inc. entered into a Settlement Agreement (“Settlement Agreement”) as of March 12, 2018 (“Effective Date”) to resolve claims asserted in the Amended Consolidated Class Action Complaint in this Action that HIAMS and certain of its affiliates allegedly participated in an unlawful conspiracy to raise, fix, maintain and/or stabilize prices, rig bids, and allocate markets and customers for Fuel Injection Systems (as defined in Paragraph 10 of the Settlement Agreement) in violation of Section 1 of the Sherman Act; and

WHEREAS, on November 10, 2017, Irving Levine and proposed intervenor Vitec, L.L.C. (“Vitec”) filed a Motion to Intervene and Add Intervenors as Additional/Substitute Class Representative Plaintiff and for Leave to File Amended Complaint (“Motion to Substitute”) (Case No. 2:13-cv-02201, ECF No. 53) requesting permission to add Vitec as a named direct purchaser plaintiff and class representative in the Action; and

WHEREAS, the Court granted the Motion to Substitute on September 24, 2018, thus allowing Vitec to be added as a named direct purchaser plaintiff and class representative in the Action (Case No. 2:13-cv-02201, ECF No. 71); and

WHEREAS, on September 25, 2018, the Court granted preliminary approval of the Settlement Agreement and provisional certification of the direct purchaser settlement class and appointed Irving Levine as Class Representative for the Direct Purchaser Settlement Class (Case No. 2:13-cv-02201, ECF No. 73); and

WHEREAS, in the First Amendment to the Settlement Agreement, dated October 17, 2018, the Settlement Agreement between HIAMS and Irving Levine, which has received preliminary approval, has now been amended to include Vitec as a party to the Settlement Agreement and as a Direct Purchaser Plaintiff; and

WHEREAS, pursuant to Paragraph 53 of the Settlement Agreement, Court approval is required to modify or amend the Settlement Agreement; and

WHEREAS, HIAMS, Vitec, and Irving Levine have submitted a joint request asking the Court to approve the First Amendment to the Settlement Agreement; and

WHEREAS HIAMS, Vitec, and Irving Levine request that the Court grant preliminary approval of the Settlement Agreement, as amended, and appoint Vitec as a Class Representative for the Direct Purchaser Settlement Class:

It is hereby **ORDERED** as follows:

1. The terms of the HIAMS Settlement Agreement, as amended, are preliminarily approved for the reasons stated in the Court's order dated September 25, 2018 (Case No. Case No. 2:13-cv-02201, ECF No. 73).
2. The Settlement Class (as defined in the Court's September 25, 2018 Order) remains preliminarily certified for the reasons stated in the Court's September 25, 2018 Order.
3. The Court finds that (a) Vitec's claims present common issues and are typical of the Settlement Class; (b) Vitec will fairly and adequately represent the Settlement Class; and (c) Vitec's interests are aligned with the interests of all other members of the Settlement Class.
4. The Court appoints Direct Purchaser Plaintiffs Irving Levine Automotive Distributors, Inc. and Vitec, L.L.C. to serve as Class Representatives for the Direct Purchaser Settlement Class. In the event that Irving Levine withdraws as or ceases to be a direct purchaser plaintiff in the Action and Class Representative for the Direct Purchaser Settlement Class, the appointment of Vitec will remain unaffected and Vitec will continue as the sole Class Representative for the Direct Purchaser Settlement Class.
5. All other terms and findings in the Court's September 25, 2018 Preliminary Approval Order remain unchanged and in full effect.

**IT IS SO ORDERED.**

Date: November 5, 2018

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 5, 2018.

s/ Kay Doaks  
Case Manager